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January 3, 2008

Via fax - (212) 805-7946

Honorable Richard J. Sullivan
United States Courthouse
500 Pearl St., Room 615
New York, NY 10007

USDS SDNY
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Re: Shore v. Painwebber Longterm Disability Plan et al.
Case No.: 1:04-cv-4152

Dear Judge Sullivan:

The following is in response to Mr. Preminger's letter to the Court dated December 31, 2007 and my subsequent telephone conversation with your Clerk.

The materials received from Mr. Preminger were immediately sent to Reliance Standard for consideration. Mr. Preminger is correct that it has been more than thirty days and that a decision has not been made. However, counsel for plaintiff is incorrect when he says that no additional time was needed. In order to provide Ms. Shore with a "full and fair review," Reliance Standard concluded that it was necessary to have a medical review performed. Reliance Standard is still waiting for the report from that review.

We apologize for the delay and that Reliance Standard did not inform Mr. Preminger of the delay in making a decision. I have been told by my client that a decision will be made no later than Monday, January 7, 2008.

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Thank you for your attention to this matter.

Very truly yours,

RAWLE & HENDERSON LLP

By:



Joshua Bachrach

JB/

cc: David S. Preminger – via fax

Defendants have failed to comply with Judge Karas' October 15, 2007 Order, which directed Reliance Standard to "reconsider and render its decision [regarding Plaintiff's claim for long term disability benefits] within thirty days of receipt of Plaintiff's Affidavit (or any other evidence developed subsequent to the filing of the cross-motions for Summary Judgment)." Since there is no dispute that such materials were provided to defendants' counsel on or about November 15, 2007, it appears that a decision should have been rendered by December 15, 2007. Defendants now claim that "additional time was needed" to provide Plaintiff with a "full and fair" medical review, and insist that "a decision will be made no later than Monday, January 7, 2008." Although Defendants made no previous attempt to inform Plaintiff or the Court of these facts, and in fact have never requested an extension of time in which to reconsider and render a decision on Plaintiff's claim for long term disability benefits, the Court will construe Defendants' January 3, 2008 letter as a request for such an extension. Accordingly, Defendants are to advise Plaintiff and the Court of Reliance Standard's decision concerning the Plaintiff's benefit claim by January 8, 2008. No further extensions will be granted absent truly compelling circumstances.



1/3/08

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RICHARD J. SULLIVAN
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